

**SEDGWICK COUNTY
BOARD OF ZONING APPEALS
MINUTES
JUNE 4, 2002**

The Sedgwick County Board of Zoning Appeals special meeting held on Tuesday, June 4, 2002, in the Planning Department Conference Room, Tenth Floor of City Hall, 455 North Main, Wichita, Kansas, beginning at 3:30 p.m.

The following members were in attendance: Chairman, GARY WILEY, GRANT TIDEMANN, DENNIS GRUENBACHER, AND KATHLEEN GIDEON. The following member was absent: JANA MULLEN.

The following Planning Department staff members were in attendance: Secretary, DALE MILLER, Assistant Secretary, SCOTT KNEBEL, and Recording Secretary, ROSE SIMMERING.

The following County staff members were in attendance: GLEN WILTSE, Director, Sedgwick County Code Enforcement. BOB PARNACOTT, Assistant County Counselor.

Triplett, Woolf, Garretson, 2959 N. Rock Road, Suite 300, Wichita, KS 67226 c/o Rachel Pirner is representing the County Board of Zoning Appeals.

WILEY: Calls meeting to order. First order of business would be the approval of meeting minutes for the following meetings: August 28, 2000.

TIDEMANN moves GIDEON seconds, to approve the meeting minutes for August 28, 2000.

MOTION CARRIES 3-0-1 Gruenbacher abstains.

WILEY: Agenda Item 2, BZA2002-09, Appeal of Administrative Interpretation of the County Zoning Administrator on property zoned "RR" Rural Residential, located south of MacArthur and west of 231st Street West. How should we proceed? Does the Planning Staff go first or does the Appellant?

MILLER: Generally on Appeals we let the Appellant go first.

W. F. (Trahy) Hurst, III, Appellant, 23510 W. 47th South, Wichita, KS 67052: I had asked for an extension, and I would like to ask for another one today. I have requested documents from KDHE since February this year. There is about 500 pages of documentation that I have been requesting. As of Friday last week I got a response from KDHE that they still do not have the information ready. If my request for an extension of time is not granted by this Board, I do have some materials that I can present today.

WILEY: If we are not going to hear this case today and grant a deferral, I do not think it is necessary to hear testimony from you today Mr. Hurst.

HURST: The Planning Department requested I come here today in person in front of the Board and request for a deferral, and that is why I am here now.

TIDEMANN: If we don't have all the information Mr. Hurst would like to present to us, then maybe it is a good suggestion to wait and hear the testimony and grant a deferral.

HURST: I have sent all my documentation I have today without the KDHE information.

Triplett, Woolf and Garretson, %Rachel Priner, 2959 N. Rock Rd., Suite 300, Wichita, KS 67226: Mr. Hurst, I am curious about the information from the KDHE you are waiting for as to how pertinent it is to the proceeding of the case. Can you explain what the information is and what it will show?

HURST: If we get past the eleemosynary entity to a for-profit corporation debate, the KDHE has specific requirements about the use of the land. I believe that the land has a more intensive use that does not conform to the non-conforming use rights established. I need to see what the requirements from KDHE were during that process.

PIRNER: Your argument would be that if the documentation and paperwork was there from KDHE the facility would not be properly licensed?

HURST: Right the licensing was given prior to the zoning check. I believe there is more intensive use. I believe this is a correctional institution. I am not a lawyer, but I believe that this should have been classified as "Correctional Facility", Correctional Placement Residence, Limited" or "Correctional Placement Residence, General". I believe with the KDHE documentation that I can prove that.

PIRNER: You believe the licenses shouldn't have been issued and that some of the requirements would tend to prove or disprove the classification by the Zoning Administrator.

HURST: Also a third prong to this case is whether KDHE was given the wrong information about the eleemosynary usage, which the County said that it was a church group and it is not a charitable use any longer.

MILLER: The Board can go which way it wants to go, to hear the case today or wait, but at some point we need to let Mr. Kelsey know what to do. If Mr. Hurst can present the information from KDHE within a month then we should probably wait.

HURST: I think I have the right person with the right office at KDHE, and should not have any more delays from them and have the materials within a month.

TIDEMANN moves GIDEON seconds, to postpone hearing testimony and granting a deferral of BZA2002-09 until next month's meeting.

Carries 4-0.

Meeting adjourned 3:50 p.m.